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EXAMINER	
BASIT, ABDUL	

ART UNIT	PAPER NUMBER
3694	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/031,138	HIROSHI, MIYAWAKI	
	Examiner	Art Unit	
	Abdul Basit	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 September 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/5/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to applicant's arguments received on 9/5/2007.

RESPONSE TO ARGUMENTS

1. Claims 1-22 are pending.

2. On August 29, 2007, Examiner provided applicant with an interview. Applicant discussed various claims and the shortcomings of the prior art used to reject the claims.

3. Further evaluation by the Examiner indicates that the prior art is not eligible, because the information used in the non-provisional version of the prior art is not available in the provisional version. The provisional application date, not the non-provisional filing date, was used as showing that the art had priority over the applicant's invention. The applicant arguments are accepted, and the 35 USC 102 rejection is not valid.

4. Applicant indicated that only claims 1-12 and not claims 1-22 were examined. Applicant is notified that the claims were received as part of amended materials on 5/2/2002, however the claims were not separate from the preliminary amendment to the specification as presented on Examiner's docket. However, claims 13-22 have been examined in this office action.

5. An additional search has been performed that has resulted in additional prior art. Subsequently, the Office is responding with a second non-final office action for claims 1-22.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 4-7, 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginzboorg (US Pat. No. 6,240,091) in view of Rakavay (US Pat. No. 5,913,040).

Regarding claim 1:

Ginzboorg teaches an Internet charging system in a system having an information terminal and a terminal server that provides Internet access service employing a public network to the information terminal, comprising:

- On the terminal server side -

  (a) a charging server for sequentially calculating an Internet usage fee which occurs according to Internet usage by an Internet user through the information terminal; *(see column 4, lines 8-16 – teaches charging date for internet service, and figure 3a – teaches a charging server)*

  (b) a charging database having a charging table required for calculating the Internet usage fee; *(see column 14, lines 36-40 – teaches records which indicates a databases, and see column 14, lines 6-9 - teaches charging server calculate values)* and

  (c) a customer database having a customer table which includes information on a customer as the Internet user through the information terminal, wherein,

on the terminal server side, the charging table which includes information on an Internet access method, a method for displaying information for charging, and a charging method associated with Internet access is periodically transmitted to the information terminal *(see column 14 lines 41-65 and column 15 lines 1-25, figure 7b, and claim 9 of Ginzboorg – all teach information that is sent and is included in a charging record provided in a table format)*

However, Rakavay, not Ginzboorg, teaches that

- And on the information terminal side -

  the customer selects desired information from the information in the transmitted charging table. *(abstract)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ginzboorg with Rakavay. Motivation to modify exists to allow a customer to determine the type of information, because the ability to select information creates a system that better serves the needs of a customer.

Regarding claim 4:

Ginzboorg further teaches that the Internet charging system as defined in Claim 1 wherein the charging table has line usage fee information concerning a usage fee of the public network. *(see figure 7a)*

Regarding claim 5:

Ravakay, not Ginzboorg, teaches that the Internet charging system as defined in Claim 1 wherein the charging table has advertisement size information concerning a size of the advertisement displayed on the information terminal. *(see column 7, lines 11-30)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ginzboorg with Ravakay. Motivation to modify exists because size information helps to make a better use of space on the terminal.

Regarding claim 6:

Rakavay, not Ginzboorg, teaches that the Internet charging system as defined in Claim 1 wherein the charging system has advertisement number information concerning the number of advertisements displayed on the information terminal. *(see column 7, lines 11-30)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ginzboorg with Ravakay. Motivation to modify exists because number information helps to make better use of space on the terminal.

Regarding claim 7:

Rakavay, not Ginzboorg, teaches that the Internet charging system as defined in Claim 1 wherein the charging table has advertisement display time information concerning a display time of the advertisement displayed on the information terminal. *(see column 7, lines 11-30)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ginzboorg with Ravakay. Motivation to modify exists because time information helps to make better use of space on the terminal.

Regarding claim 9:

Ginzboorg further teaches that the Internet charging system as defined in Claim 1 wherein the charging table has information on accumulated access time that is an accumulation of time for which the customer uses the Internet. *(see column 14, lines 65-67, column 15 lines 1-5)*

Regarding claim 10:

Ginzboorg further teaches that the Internet charging system as defined in Claim 1 wherein the charging table has data packet amount information concerning an amount of data packets utilized in the Internet. (*see column 14, lines 40-43)*

Regarding claim 11:

Ginzboorg further teaches that the Internet charging system as defined in Claim 1 wherein the charging table has communication traffic state information concerning a communication traffic state in the public network. *(see column 15, lines 24-26)*

Regarding claim 12:

Ginzboorg teaches that the Internet charging system as defined in Claim 1 wherein the charging table has electric commerce deal amount/frequency information, which concerns a deal amount when the customer performs electronic commerce employing the Internet, and a frequency of performing the electronic commerce. *(see column 14, lines 61-65 – suggests commerce as a service type)*

3. Claim 2-3, 13-17, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginzboorg (US Pat. No. 6,240,091) in view of Rakavay (US Pat. No. 5,913,040) in further view of Monachello (US Pat. No.6,748,439).

Regarding claim 2:

Ginzboorg teaches an Internet charging system in a system having an information terminal and a terminal server that provides Internet access service employing a public network to the information terminal, comprising:

- on the terminal server side,

  (a) a charging server for sequentially calculating an Internet usage fee which occurs according to Internet usage by an Internet user through the information terminal; *(see column 4, lines 8-16 – teaches charging date for internet service, and figure 3a – teaches a charging server)*

  (b) a charging database having a charging table required for calculating the Internet usage fee; *(see column 14, lines 36-40 – teaches records which indicates a databases, and see column 14, lines 6-9 - teaches charging server calculate values)*

  (c) a customer database having a customer table which includes information on a customer as the Internet user through the information terminal; *(see column 14 lines 41-65 and column 15 lines 1-25, figure 7b, and claim 9 of Ginzboorg – all teach information that is sent and is included in a charging record provided in a table format)*

  (e) a data traffic monitor server for monitoring data traffic of the Internet; *(see column 15, lines 24-26).* ***However, Rakavay, not Ginzboorg***, teaches an advertisement content server for retaining contents of the advertisement; *(see column 7, lines 11-30).* ***Also, Rakavay, not Ginzboorg***, teaches (d) an

advertisement data controller for controlling [[an]][[a]] size and a display time of an advertisement which is sent to the terminal server; *(see column 7, lines 11-30)*

Ginzboorg further teaches:

(f) a usage state monitor server for monitoring a state of Internet usage by the customer, wherein on the terminal server side, the charging table which includes information on an Internet access method, a method for displaying information for the charging, and a charging method associated with Internet access is periodically transmitted to the information terminal, *(see column 14, lines 36-40 and column 15 lines 1-25 – teaches these items of information)*

However, Rakavay, not Ginzboorg, teaches that

- on the information terminal side,

  (a) the customer selects desired information from the information in the transmitted charging table, *(see abstract)*

  (b) Ginzboorg teaches an charging method associated with Internet access are changed according to the state of Internet usage by the customer. *(see abstract).* ***However, Rakaway, not Ginzboorg*** teaches an advertisement distribution method that is changed according to the state of Internet usage by the customer. *(see abstract - teaches advertisement and information that is based on preferences).* ***Also, Monachello, not Ginzboorg***, teaches an Internet access service providing method that is changed according to the

state of Internet usage by the customer. *(see abstract, see summary of invention)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ginzboorg with Rakavay and Monachello. Motivation to modify exists to allow a customer to determine the type of information, because the ability to select information creates a system that better serves the needs of a customer. Further, motivation to modify exists to allow for advertising information, because this allows the customer to better understand the types of advertising they are being presented with. Finally, motivation to modify exists to allow changing various elements due to the internet usage of the customer, because this provides flexibility.

Regarding claim 3:

Ginzboorg teaches that the Internet charging system as defined in Claim 1 comprising:

- In the information terminal, an access program for accessing the Internet; a usage state monitor program for monitoring the state of Internet usage by the customer; *(see column 14, lines 40-66, column 15, lines 1-35 – teaches various elements of internet usage)*
- An information terminal charging database having an information terminal charging table which includes information required for calculating the Internet usage fee; *(see column 15, lines 20-25- teaches calculating a value for internet use).*
- An access setting database having an access table which includes information on plural providers such as phone numbers, ID numbers,

passwords, (see column 15, lines 60-65 – teaches passwords). ***However, Monachello, not Ginzboorg,*** teaches wherein the information terminal is configured to automatically change a provider. *(see abstract)*

Regarding claim 13:

Ginzboorg teaches that the Internet charging system as defined in Claim 2 comprising:

- In the information terminal, an access program for accessing the Internet; a usage state monitor program for monitoring the state of Internet usage by the customer; *(see column 14, lines 40-66, column 15, lines 1-35 – teaches various elements of internet usage)*
- An information terminal charging database having an information terminal charging table which includes information required for calculating the Internet usage fee; *(see column 15, lines 20-25- teaches calculating a value for internet use).*
- An access setting database having an access table which includes information on plural providers such as phone numbers, ID numbers, passwords, (see column 15, lines 60-65 – teaches passwords). ***However, Monachello, not Ginzboorg,*** teaches wherein the information terminal is configured to automatically change a provider. *(see abstract)*

Regarding claim 14:

Ginzboorg further teaches an Internet charging system as defined in Claim 2, wherein the charging table has line usage fee information concerning a usage fee of the public

network. *(see figure 7b, and column 15, lines 20-21)*

Regarding claim 15:

Ravakay, not Ginzboorg, teaches that the Internet charging system as defined in Claim 2 wherein the charging table has advertisement size information concerning a size of the advertisement displayed on the information terminal. *(see column 7, lines 11-30)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ginzboorg with Ravakay. Motivation to modify exists because size information helps to make a better use of space on the terminal.

Regarding claim 16:

Rakavay, not Ginzboorg, teaches that the Internet charging system as defined in Claim 1 wherein the charging system has advertisement number information concerning the number of advertisements displayed on the information terminal. *(see column 7, lines 11-30)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ginzboorg with Ravakay. Motivation to modify exists because number information helps to make better use of space on the terminal.

Regarding claim 17:

Rakavay, not Ginzboorg, teaches that the Internet charging system as defined in Claim 2 wherein the charging table has advertisement display time information concerning a display time of the advertisement displayed on the information terminal. *(see column 7, lines 11-30)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ginzboorg with Ravakay. Motivation to modify exists because time information helps to make better use of space on the terminal.

Regarding claim 19:

Ginzboorg further teaches that the Internet charging system as defined in Claim 2 wherein the charging table has information on accumulated access time that is an accumulation of time for which the customer uses the Internet. *(see column 14, lines 65-67, column 15 lines 1-5)*

Regarding claim 20:

Ginzboorg further teaches that the Internet charging system as defined in Claim 2 wherein the charging table has data packet amount information concerning an amount of data packets utilized in the Internet. (*see column 14, lines 40-43)*

Regarding claim 21:

Ginzboorg further teaches that the Internet charging system as defined in Claim 2 wherein the charging table has communication traffic state information concerning a communication traffic state in the public network. *(see column 15, lines 24-26)*

Regarding claim 22:

Ginzboorg teaches that the Internet charging system as defined in Claim 2 wherein the charging table has electric commerce deal amount/frequency information, which concerns a deal amount when the customer performs electronic commerce employing the Internet, and a frequency of performing the electronic commerce. *(see column 14, lines 61-65 – suggests commerce as a service type)*

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ginzboorg (US Pat. No. 6,240,091) in view of Rakavay (US Pat. No. 5,913,040) and in further view of LaRue (US Pat. No. 6,487,560)

Regarding claim 8:

LaRue, not Ginzboorg, taches that data can have time-zone information concerning a time zone in which the client uses the Internet. *(see column 26, lines 19-21)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ginzboorg with LaRue. Motivation to modify exists because time zone information helps to determine better usage.

Regarding claim 18:

LaRue, not Ginzboorg, taches that data can have time-zone information concerning a time zone in which the client uses the Internet. *(see column 26, lines 19-21)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Ginzboorg with LaRue. Motivation to modify exists because time zone information helps to determine better usage.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This includes US Pat. No. 7,136,858 and US Pat. No. 6,678,866.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdul Basit whose telephone number is 571 272-7246. The examiner can normally be reached on Monday - Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571 272 6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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